

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:**DO NOT WRITE IN THIS SPACE**

Case

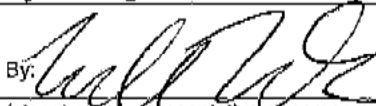
Date Filed

02-CA-283185

9-17-21

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer #1 (See additional employers in attachment) (1) Home Box Office, Inc., and (2) Grant Wilfley Casting, Inc., as joint employers		b. Tel. No. (1) (310) 994-2391 (2) (212) 685-3537
		c. Cell No.
d. Address (street, city, state ZIP code) (1) 1100 Avenue of the Americas, New York, NY 10036 (2) 241 West 30 th St., Floor 4, New York, NY 10001	e. Employer Representative (1) Natasha Shum, Senior Vice Pres. and Chief Labor Counsel (2) (b) (6), (b) (7)(C)	f. Fax No.
		g. e-Mail (1) natasha.shum@warnermedia.com (2) (b) (6), (b) (7)(C)@qwcny.com
i. Type of Establishment (factory, nursing home, hotel) (1) film studio (2) casting agency	j. Principal Product or Service (1) film production (2) talent acquisition	
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Since about July 13, 2021, the Employer has interfered with, restrained, and coerced employees in the exercise of rights protected by Section 7 of the Act by interrogating job applicants about their membership in American Federation of Musicians of the United States and Canada (AFM).</p> <p>From a date within the past six months and continuing to present, the Employer has discriminated against employees based on their union membership by posting positions as open to SAG or non-union applicants only, thereby inherently excluding members of AFM from eligibility for open positions and discouraging union activities or membership in AFM.</p>		
3. Full name of party filing charge (If labor organization, give full name, including local name and number) Russell Naymark		
4a. Address (street and number, city, state, and ZIP code) 3220 Winona Avenue, Burbank, CA 91504	4b. Tel. No.	
	4c. Cell No. (323) 356-9322	
	4d. Fax No.	
	4e. e-Mail RNaymark@afm.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of Musicians of the United States and Canada		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. Same as above
By:  (signature of representative of person making charge)		Office, if any, Cell No. Same as above
Address: same as above		Fax No.
Date: 9/17/21		e-Mail rnaymark@afm.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Additional Employer Information

Employer #2

a. Name of Employer Grant Wilfley Casting, Inc.		b. Tel. No. (212) 685-3537
		c. Cell No.
d. Address (street, city, state ZIP code) 241 West 30 Street, Floor 4, New York, NY 10001	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) casting agency	j. Principal Product or Service talent acquisition	g. e-Mail (b) (6), (b) (7)(C)@gwcny.com



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
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September 21, 2021

Home Box Office, Inc.
Attn: Natasha Shum, Senior Vice President & Chief Labor Counsel
2500 Broadway, Suite 400
Santa Monica, CA 90404

Grant Wilfley Casting, Inc.

(b) (6), (b) (7)(C)

241 West 30 Street
Floor 4
New York, NY 10001

Re: Home Box Office, Inc. and Grant Wilfley
Casting, Inc. as joint employers
Case No. 02-CA-283185

Dear Ms. Shum, (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney RACHEL F. Feinberg whose telephone number is (212)776-8611. If this Board agent is not available, you may contact Supervisory Attorney SIMON-JON H. KOIKE whose telephone number is (212)776-8621.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the

course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Home Box Office, Inc.
1100 Avenue of the Americas
New York, NY 10036

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 02-CA-283185
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**HOME BOX OFFICE, INC. AND GRANT
WILFLEY CASTING, INC. AS JOINT
EMPLOYERS**

Charged Party

and

**AMERICAN FEDERATION OF MUSICIANS OF
THE UNITED STATES AND CANADA**

Charging Party

Case 02-CA-283185

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, D. Mahr the undersigned employee of the National Labor Relations Board, state under oath that on September 21, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Home Box Office, Inc.
Attn: Natasha Shum, Senior Vice President &
Chief Labor Counsel
2500 Broadway, Suite 400
Santa Monica, CA 90404

Home Box Office, Inc.
1100 Avenue of the Americas
New York, NY 10036

Grant Wilfley Casting, Inc.

(b) (6), (b) (7)(C)

241 West 30 Street
Floor 4
New York, NY 10001

September 21, 2021

Date

/s/ D. Mahr, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
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Mobile App

September 21, 2021

American Federation of Musicians of the United States and Canada
Attn: Russell Naymark, AFM In-House Counsel
3220 Winona Avenue
Burbank, CA 91504

Re: Home Box Office, Inc. and Grant Wilfley
Casting, Inc. as joint employers
Case No. 02-CA-283185

Dear Mr. Naymark:

The charge that you filed in this case on September 17, 2021 has been docketed as case number 02-CA-283185. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney RACHEL F. Feinberg whose telephone number is (212)776-8611. If this Board agent is not available, you may contact Supervisory Attorney SIMON-JON H. KOIKE whose telephone number is (212)776-8621.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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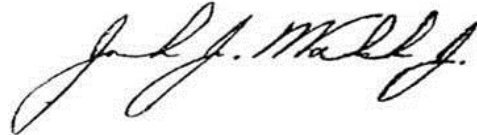
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We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-288065	12-22-21

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

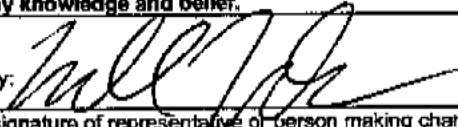
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Grant Wilfley Casting, Inc., as agent for (1) Home Box Office, Inc., (2) Cooler Waters Productions, LLC, and (3) Athena Production Services, LLC		b. Tel. No. (212) 685-3537
d. Address (street, city, state ZIP code) 241 West 30 th Street, FL. 4, New York, NY 10001 (See additional employers in attachment)		c. Cell No.
e. Employer Representative (b) (6), (b) (7)(C)		f. Fax No.
		g. e-Mail (b) (6), (b) (7) @qwcny.com
i. Type of Establishment (factory, nursing home, hotel) casting agency (see additional employers in attachment)	j. Principal Product or Service talent acquisition (see additional employers in attachment)	

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about July 13, 2021, Grant Wilfley Casting as agent for the Employers has interfered with, restrained, and coerced employees in the exercise of rights protected by Section 7 of the Act by interrogating job applicants about their membership in American Federation of Musicians of the United States and Canada (AFM).

From a date within the past six months and continuing to present, Grant Wilfley Casting as agent for the Employers has discriminated against employees based on their union membership by posting positions as open to SAG or non-union applicants only, thereby inherently excluding members of AFM from eligibility for open positions and discouraging union activities or membership in AFM.

3. Full name of party filing charge (if labor organization, give full name, including local name and number) Russell Naymark	
4a. Address (street and number, city, state, and ZIP code) 3220 Winona Avenue, Burbank, CA 91504	4b. Tel. No. 4c. Cell No. (323) 356-9322 4d. Fax No. 4e. e-Mail maymark@afm.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of Musicians of the United States and Canada	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. Same as above
By:  (signature of representative of person making charge)	Office, if any, Cell No. Same as above
Address: same as above	Fax No. e-Mail maymark@afm.org
Russell Naymark, AFM In-House Counsel Print Name and Title	Date: 12/22/21

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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Additional Employer Information**Employer #1**

a. Name of Employer Home Box Office, Inc		b. Tel. No. (310) 994-2391
		c. Cell No.
d. Address (street, city, state ZIP code) 1100 Avenue of the Americas, New York, NY 10036	e. Employer Representative Natasha Shum, Sr Vice Pres./Chief Labor Counsel	f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) film studio	j. Principal Product or Service film production	g. e-Mail natasha.shum@warnermedia.com

Employer #2

a. Name of Employer Cooler Waters Productions, LLC		b. Tel. No. (612) 236-5258
		c. Cell No. (347) 602-9345
d. Address (street, city, state ZIP code) Kaufman Astoria Studios 34-12 36 th Street, 3 rd FL., Astoria, NY 11106	e. Employer Representative Grant Goeckner (title unknown)	f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) motion picture/tape distributor	j. Principal Product or Service distribution of motion pictures/tapes	g. e-Mail grant.goeckner@warnermedia.com

Employer #3

a. Name of Employer Athena Productions Services, LLC		b. Tel. No.
		c. Cell No.
d. Address (street, city, state ZIP code) 401 S. Glenoaks Blvd., #205 Burbank, CA 91502	e. Employer Representative Deborah Owen (title unknown)	f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) film production company	j. Principal Product or Service film production services	g. e-Mail debowen@owen-de-alvo.com



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
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December 23, 2021

Home Box Office, Inc.
Attn: Natasha Shum, Senior Vice President & Chief Labor Counsel
1100 Avenue of the Americas
New York, NY 10036

Cooler Waters Productions, LLC
Attn: Grant Goeckner
Kaufman Astoria Studios
34-12 36th Street, 3rd Floor
Astoria, NY 11106

Athena Productions Services, LLC
Attn: Deborah Owen
401 S. Glenoaks Blvd., #205
Burbank, CA 91502

Re: Grant Wilfley Casting, Inc. as agent for 1.
Home Box Office, Inc., 2. Cooler Waters
Productions, LLC, and 3. Athena Production
Services, LLC
Case No. 02-CA-288065

Dear Ms. Shum, Mr. Goeckner, Ms. Owen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing

Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

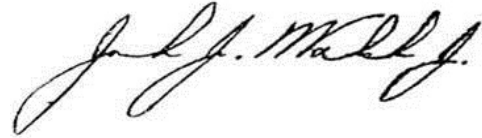
Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Grant Wilfley Casting, Inc. as agent for 1.
Home Box Office, Inc., 2. Cooler Waters
Productions, LLC, and 3. Athena Production
Services, LLC
Case 02-CA-288065

- 4 -

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER
02-CA-288065

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

YES

NO

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$ _____

B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____

H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**GRANT WILFLEY CASTING, INC. AS AGENT
FOR 1. HOME BOX OFFICE, INC., 2. COOLER
WATERS PRODUCTIONS, LLC, AND 3.
ATHENA PRODUCTION SERVICES, LLC**

Charged Party

and

RUSSELL NAYMARK

Charging Party

Case 02-CA-288065

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, D. Mahr the undersigned employee of the National Labor Relations Board, state under oath that on December 23, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Natasha Shum, Senior Vice President & Chief
Labor Counsel
Home Box Office, Inc.
1100 Avenue of the Americas
New York, NY 10036

Grant Goeckner
Cooler Waters Productions, LLC
Kaufman Astoria Studios
34-12 36th Street, 3rd Floor
Astoria, NY 11106

Deborah Owen
Athena Productions Services, LLC
401 S. Glenoaks Blvd., #205
Burbank, CA 91502

December 23, 2021

Date

D. Mahr, Designated Agent of NLRB

Name

/s/ D. Mahr

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

December 23, 2021

Russell Naymark, AFM In-House Counsel
3220 Winona Avenue
Burbank, CA 91504

Re: Grant Wilfley Casting, Inc. as agent for 1.
Home Box Office, Inc., 2. Cooler Waters
Productions, LLC, and 3. Athena Production
Services, LLC
Case No. 02-CA-288065

Dear Mr. Naymark:

The charge that you filed in this case on December 22, 2021 has been docketed as case number 02-CA-288065. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney RACHEL F. Feinberg whose telephone number is (212)776-8611. If this Board agent is not available, you may contact Supervisory Attorney SIMON-JON H. KOIKE whose telephone number is (212)776-8621.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

Grant Wilfley Casting, Inc. as agent for 1. - 3 -
Home Box Office, Inc., 2. Cooler Waters
Productions, LLC, and 3. Athena Production
Services, LLC
Case 02-CA-288065

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

cc: American Federation of Musicians of the
United States and Canada
3220 Winona Avenue
Burbank, CA 91504

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

**Grant Wilfley Casting, Inc., as agent for Home Box Office, Inc., Cooler
Waters Productions, LLC and Athena Production Services, LLC**

**Case 02-CA-283185
Case 02-CA-288065**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Parties and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Parties in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of Grant Wilfley Casting, Inc. (“GWCI”) will then sign and date those Notices and GWCI will immediately post a link to them in the current castings section of GWCI’s website as well as the section of GWCI’s website where performers can register for GWCI’s database and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The language for this link will read: **NLRB SETTLEMENT PLEASE READ – Grant Wilfley Casting, Inc. is committed to ensuring compliance with the National Labor Relations Act. Pursuant to a Settlement Agreement in Case Numbers 02-CA-283185 and 02-CA-288065, follow this link to the Notice to Employees.** The Notices and the link to the Notices must be posted for the same 60 day period. GWCI will submit a paper copy of the posting to Region 2’s Compliance Officer when it submits the Certification of Posting and provide information sufficient to allow the electronic posting to be checked if necessary.

E-MAILING NOTICE – GWCI will email a copy of the signed Notice in English, and in additional languages if the Regional Director decides that it is appropriate, to all persons who responded via email to GWCI’s casting notices for work as background performers on July 20, 21, and 22, 2021, miming the playing of musical instruments, for Home Box Office, Inc.’s production of *The Time Traveler’s Wife*. The message of the e-mail transmitted with the Notice will state: “We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 02 of the National Labor Relations Board in Case 02-CA-283185.” To document its compliance with this requirement, GWCI will e-file a copy of its distribution e-mail, with all of the recipients’ e-mail addresses visible, along with a copy of the attached Notice and a fully completed Certification of Posting form, via the Agency’s e-filing portal at www.nlr.gov.

COMPLIANCE WITH NOTICE — The Charged Parties will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter.

Initials: _____ *NS*

If that occurs, this Agreement shall be between the Charged Parties and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Parties authorize the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Parties. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes NS
 Initials


No _____
 Initials

PERFORMANCE — Performance by the Charged Parties of the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Parties of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

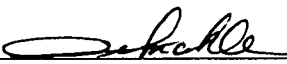
The Charged Parties agree that in case of non-compliance with any of the terms of this Settlement Agreement by GWCI, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by Home Box Office, Inc., Cooler Waters Productions, LLC, Athena Production Services, LLC and GWCI, the Regional Director will issue a Complaint against the Charged Parties that includes the allegation that the Charged Parties impermissibly interrogated job applicants regarding membership in or support of the American Federation of Musicians of the United States and Canada, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Parties understand and agree that all of the allegations of the Complaint will be deemed admitted and that they will have waived their right to file an Answer to such Complaint. The only issue that the Charged Parties may raise before the Board will be whether they defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Parties on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Parties at the last address provided to the General Counsel.


NOTIFICATION OF COMPLIANCE — GWCI will notify the Regional Director in writing what steps the GWCI has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that GWCI complies with the terms and conditions of this Settlement Agreement and Notice.

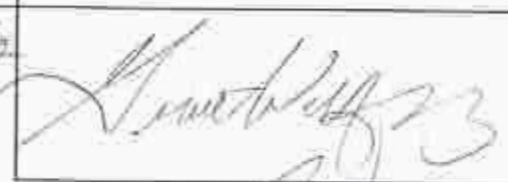
Initials: NS


Charged Party Home Box Office, Inc. By: <u>Natasha Shum</u> Date: <u>2/28/22</u> Natasha Shum, Senior Vice President and Chief Labor Counsel	Charging Party American Federation of Musicians of the United States and Canada By: _____ Date: _____ Name and Title
Charged Party Cooler Waters Productions, LLC By: <u>Natasha Shum</u> Date: <u>2/28/22</u> Natasha Shum, Senior Vice President and Chief Labor Counsel	
Charged Party Athena Production Services, LLC By: _____ Date: _____	
Charged Party Grant Wilfley Casting, Inc. By: _____ Date: _____	
Recommended By: _____ Date _____ Rachel F. Feinberg Senior Field Attorney	Approved By: _____ Date _____  John J. Walsh, Jr. Regional Director, Region 2

Initials: NS

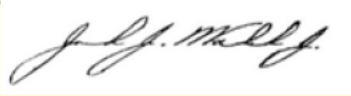
Charged Party Home Box Office, Inc.	Charging Party American Federation of Musicians of the United States and Canada
By: Name and Title Date	By: Name and Title Date
<hr/> Print Name and Title below	<hr/> Print Name and Title below
Charged Party Cooler Waters Productions, LLC	
By: Name and Title Date	
<hr/> Print Name and Title below	<hr/>
Charged Party Athena Production Services, LLC	
By: Name and Title Date 	
<hr/> Print Name and Title below Deborah Owen, President	<hr/>

Initials. 

Charged Party Home Box Office, Inc.	Charging Party American Federation of Musicians of the United States and Canada
By: Name and Title Date	By: Name and Title Date
_____ Print Name and Title below	_____ Print Name and Title below
Charged Party Cooler Waters Productions, LLC	
By: Name and Title Date	
_____ Print Name and Title below	_____
Charged Party Athena Production Services, LLC	
By: Name and Title Date	
_____ Print Name and Title below	_____
Charged Party Grant Wilfley Casting, Inc.	
By: Name and Title Date <u>2/25/22</u> <u>GRANT WILFLEY (PRESIDENT)</u>	
	Initials: <u>GW</u>

Charged Party Home Box Office, Inc.	Charging Party American Federation of Musicians of the United States and Canada
By: Name and Title Date	By: Name and Title Date  3/1/22
Print Name and Title below	Print Name and Title below Russell Naymark AFM In-House Counsel
Charged Party Cooler Waters Productions, LLC	
By: Name and Title Date	
Print Name and Title below	
Charged Party Athena Production Services, LLC	
By: Name and Title Date	
Print Name and Title below	

Initials: RN

Charged Party Grant Wilfley Casting, Inc.			
By:	Name and Title	Date	
<hr/> Print Name and Title below		<hr/>	
Recommended By:	Date	Approved By:	Date
Rachel F. Feinberg /s/	3/1/2022		3/2/2022
Rachel F. Feinberg Senior Field Attorney		John J. Walsh, Jr. Regional Director, Region 2	

Initials: RN

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT ask job applicants about their union membership or support.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

**Grant Wilfley Casting, Inc. , as agent Home Box
Office, Inc., Cooler Waters Productions, LLC and
Athena Production Services, LLC**

(Employer)

(b) (6), (b) (7)(C)


Dated: 2/25/22

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/ny> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

26 Federal Plz Ste 3614
New York, NY 10278-3699

Telephone: (212)264-0300
Hours of Operation: 8:45 a.m. to 5:15 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

Initials: 

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at complianceunit@nrlrb.gov.

Initials: _____

A handwritten signature in black ink, appearing to be "A. H.", written over a horizontal line.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

March 11, 2022

Russell Naymark, AFM In-House Counsel
American Federation of Musicians of the
United States and Canada
3220 Winona Avenue
Burbank, CA 91504

Re: Home Box Office., Inc. and Grant Wilfley
Casting, Inc., as joint employers
Case 02-CA-283185

Grant Wilfley Casting, Inc. as an agent of
Home Box Office, Inc., Cooler Water
Productions, LLC and Athena Production
Services, LLC
Case 02-CA-288065

Dear Mr. Naymark:

We have carefully investigated and considered your charges that Grant Wilfley Casting, Inc. (GWC), as an agent of Home Box Office, Inc. (HBO), Cooler Water Productions, LLC (CWP) and Athena Production Services, LLC (Athena), and that HBO and GWC, as joint employers, have violated the National Labor Relations Act.

Partial Withdrawal: This is to advise that I have approved the withdrawal of the portion of the charge in Case 02-CA-283185 alleging that Home Box Office., Inc. and Grant Wilfley Casting, Inc. are joint employers and the portions of the charges in Case 02-CA-283185 and 02-CA-288065 alleging the Employer violated Section 8(a)(3) of the Act. The remaining allegations in these charges are being retained for further processing

Conditional Decision to Dismiss: Based on that investigation, it appears that your charges, in so far as they allege that GWC, as an agent of HBO, CWP and Athena, violated 8(a)(1) through the language of its job posting seeking background actors for HBO's production of *The Time Traveler's Wife*, may have merit. However, I have conditionally decided to dismiss this allegation 6 months from today because there have not been any meritorious charges against the Employer within the past several years, the Employer attempted to redress the potential harm, and because the conduct has minor group impact and was of limited duration. The remaining allegations in Case 02-CA-283185 and 02-CA-288065 alleging that the Employer violated Section 8(a)(1) of the Act by interrogating employees are being retained for further processing

Grant Wilfley Casting, Inc. as an agent of
(1) Home Box Office, Inc., (2) Cooler Water
Productions, LLC and (3) Athena
Production Services, LLC
Case 02-CA-288065

If a meritorious charge involving other unfair labor practices is filed against the Charged Party during that period, I will reconsider whether further proceedings on this charge are warranted.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlr.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlr.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on March 25, 2022. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 24, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 25, 2022**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 25, 2022, **even if it is postmarked**

(1) Home Box Office., Inc. and (2) Grant
Wilfley Casting, Inc., as joint employers,
Case 02-CA-283185

- 3 -

Grant Wilfley Casting, Inc. as an agent of
(1) Home Box Office, Inc., (2) Cooler Water
Productions, LLC and (3) Athena
Production Services, LLC
Case 02-CA-288065

or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



John J. Walsh, Jr.
Regional Director

Enclosure

cc: Natasha Shum, Senior Vice President &
Chief Labor Counsel
Home Box Office, Inc.
2500 Broadway, Suite 400
Santa Monica, CA 90404

Adam Levin, Esq.
Mitchell, Silberberg & Knupp LLP
2049 Century Park East, 18th Floor
Los Angeles, CA 90067

(1) Home Box Office., Inc. and (2) Grant
Wilfley Casting, Inc., as joint employers,
Case 02-CA-283185

- 4 -

Grant Wilfley Casting, Inc. as an agent of
(1) Home Box Office, Inc., (2) Cooler Water
Productions, LLC and (3) Athena
Production Services, LLC
Case 02-CA-288065

Irina Constantin, Esq.
Mitchell Silberberg & Knupp LLP
2049 Century Park East
18th Floor
Los Angeles, CA 90067

Home Box Office, Inc.
1100 Avenue of the Americas
New York, NY 10036

Grant Wilfley Casting, Inc.
Attn: (b) (6), (b) (7)(C)
241 West 30 Street
Floor 4
New York, NY 10001

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

June 21, 2022

Adam Levin, ESQ.
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500 East Pratt Street, Suite 900
Baltimore, MD 21202-3133

Re: Grant Wilfley Casting, Inc., as agent for
Home Box Office, Inc.
Case 02-CA-283185

Dear Mr. Levin, Ms. Constantin, Mr. Engelman, Mr. Altchek:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

A handwritten signature in blue ink that reads "Christen M. Ritter".

Christen M. Ritter
Acting Regional Director

cc: Natasha Shum, Senior Vice President &
Chief Labor Counsel
Home Box Office, Inc.
2500 Broadway, Suite 400
Santa Monica, CA 90404

Home Box Office, Inc.
1100 Avenue of the Americas
New York, NY 10036

(b) (6), (b) (7)(C)

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